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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|-------------------------|---------------------------|------------------------|
| 10/734,950  | 12/12/2003  | Mitchell Burnside Clapp | 78266.911                 | 1461                   |
| 22804   | 7590        | 12/07/2007              |                           |                        |
| THE HECKER LAW GROUP<br>1925 CENTURY PARK EAST<br>SUITE 2300<br>LOS ANGELES, CA 90067 |             |                         | EXAMINER<br>PARRA, OMAR S |                        |
|   |             |                         | ART UNIT<br>2623          | PAPER NUMBER           |
|   |             |                         | MAIL DATE<br>12/07/2007   | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/734,950

**Applicant(s)**

CLAPP, MITCHELL BURNSIDE

**Examiner**

Omar Parra

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 06/15/2006.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-3 and 5-17** rejected under 35 U.S.C. 102(b) as being anticipated by Tsevdos et al. (hereinafter 'Tsevdos', Patent No. 5,734,719).

Regarding claim 1, Tsevdos teaches a method for point-of-sale production of a video product (**Abstract, col. 3 line 55- col. 4 line 6**) comprising:

maintaining a plurality of video products in an electronic format accessible to a retail purchase station (**col. 2 line 62-col. 3 line 12, lines 34-54, col. 11 lines 1-57**);

receiving an input comprising a selection of at least one of said video products from a selection interface (**Abstract, col. 3 lines 13-24, col. 38 lines 21-31**);

producing said selected video product at a point-of-sale in retail-reasonable time by creating at least one removable media comprising said selected video product (**Abstract, col. 2 line 63-col. 3 line 12, lines 25-33, col. 19 lines 5-12**); and

providing to a customer said selected video product (**The user is able to purchase or rent the content - col. 4 lines 28-51, col. 20 lines 20-44, col. 39 lines**

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**20-40; and therefore, it is inherent that he/she will receive the manufactured content CD).**

Regarding claim 2, Tsevdos teaches a method further comprising:  
storing said plurality of video products in an encrypted format accessible to said retail purchase station **(col. 14 lines 31-46; col. 19 lines 37-43).**

Regarding claim 3, Tsevdos teaches a method further comprising:  
decrypting at least one of said encrypted format video product to produce said selected video product **(col. 19 lines 37-43).**

Regarding claim 5, , Tsevdos teaches a method further comprising:  
associating said selection with a customer identifier **(The user uses a membership card that identifies him when selecting a content, col. 17 lines 1-19);**  
and  
utilizing said customer identifier in producing said selected video product **(col. 17 line 36-col. 18 line 14, col. 19 lines 5-15).**

Regarding claims 6 and 17, , Tsevdos teaches a method wherein said customer selects said selection from an electronic catalog of said plurality of video products **(Abstract, col. 3 lines 12-24, col. 38 lines 21-31).**

Regarding claim 7 and 10, Tsevdos teaches a method further comprising:

adding at least one additional video product to said plurality of video products on said retail purchase station via a command center (**col. 18 lines 38-42, where a user is denied to get a listed file given that the file is new and the release date is later than purchase date, therefore, it is inherent that for a new content to be listed and presented for selection, an addition to the all-content list is necessary**).

Regarding claims 8 and 16, Tsevdos also teaches a system further comprising an electronic product catalog coupled to said purchase station (**Abstract, col. 3 lines 12-24, col. 38 lines 21-31**) and a communication interface between said retail purchase station and said command center for updating said electronic product catalog (**Given that the electronic content list is stored at the store –authorization server col. 15 lines 21-38, Figs. 13 and 15 – and that list is capable of being updated, col. 18 lines 34-45, it is inherent that there must be an interface for connecting the authorization server with the master server 102 that contains the directory of services**).

Regarding claim 9, Tsevdos teaches a method wherein said adding step is performed using a wireless communication (**col. 13 lines 53-65**) between said retail purchase station (**retail store with multimedia booths, Fig. 11**) and said command center (**Master server 102, Regional Server 114 or local server 116 or 108, Figs. 1 and 11, depending on the size and structure of the system**).

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Regarding claim 11 and 15, Tsevdos teaches a system for producing selected video product at a point-of-sale in retail-reasonable time comprising (**Abstract, col. 2 line 63-col. 3 line 12, lines 25-33, col. 19 lines 5-12**):

a command center (**Master server 102, Regional Server 114 or local server 116 or 108, Figs. 1 and 11, depending on the size and structure of the system**);

a purchase station coupled to said command center (**Multimedia preview stations 1303, Fig. 13 or 1, col. 17 lines 1-21**);

at least one video product in an electronic format coupled to said purchase station (**col. 2 line 62-col. 3 line 12, lines 34-54, col. 11 lines 1-57**); and

a selection interface coupled to said purchase station (**Abstract, col. 3 lines 12-24, col. 38 lines 21-31**).

Regarding claim 12, Tsevdos teaches a system further comprising:

a production unit coupled to said purchase station capable of producing said at least one video product in retail-reasonable time (**Manufacturing, Fig. 1 or 13, Abstract, col. 2 line 63-col. 3 line 12, lines 25-33, col. 19 lines 5-12, col. 4 lines 28-51, col. 19 lines 5-12**).

Regarding claim 13, Tsevdos teaches a system further comprising:

a storage unit for said at least one video product coupled to said purchase station (**Data servers 126, Fig. 1 or TLS, ILS or ESS servers, Fig. 3 or col. 11 lines 1-57**).

Regarding claim 14, Tsevdos teaches a system further comprising:  
a satellite interface coupled to said purchase station capable of receiving at least one video product (col. 13 lines 53-65).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsevdos et al. (hereinafter 'Tsevdos', Patent No. 5,734,719) in view of Fairman (Pub. No. 2003/0155417).

Regarding claim 4, Tsevdos teaches all the limitations of the claim it depends on. On the other hand, Tsevdos does not explicitly teach interspersing product protection information into said produced video product.

However, in an analogous art, Fairman teaches a content vending machine that puts encryption information when producing a disc for the costumer ([0032]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Tsevdos' invention with Fairman's encrypting

information when manufacturing a disc for the user for the benefit of avoiding extra copies of the content (Fairman, [0032]).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

  
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